### **DRAFT**

# MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING: 7 JUNE 2005

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers T. Dianne Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk

City Clerk. The Mayor explained the new meeting format with regard to beginning the meetings at 5:30 p.m. with Council hearing from speakers from the floor for a maximum of thirty minutes at the beginning of each regular meeting. He advised speakers would be allowed a maximum of three minutes and could not give their time to another speaker. Z. N. Hollar, residing at 113 South Tremont Drive, spoke to future plans of the Truth and Reconciliation Project to address issues and share information with Council. Leon Nutes, residing at 214 Peach Orchard Drive, offered his suggestions with regard to the manner in which Greensboro could be marketed in other areas to attract businesses to our City. . . . . . . . . . . Judy Moore, residing at 1820 Munsey Lane, requested Council's assistance in addressing lot cleanup problems at 1013 Duke Street. The City Manager advised that Walter "Butch" Simmons, Engineering and Inspections Department Director, was available to discuss this matter with her at this meeting. After no other citizens indicated a desire to speak at this time, Council briefly discussed the manner in which to proceed with the meeting. The meeting continued with a moment of silence and the Pledge of Allegiance to the Flag. City Manager Kitchen recognized Mickey Kerans, employee in the Executive Department, who served as courier for the meeting.

The Mayor explained the Council procedure for conduct of the meeting.

After the introduction by the Mayor of a resolution honoring the memory of the late James Alexander Morrison, Councilmember Johnson read the resolution into the minutes and presented copies to family members who were present in the Chamber. Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Gatten and adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 123-05 RESOLUTION HONORING THE MEMORY OF THE LATE JAMES ALEXANDER MORRISON

WHEREAS, the City Council and the people of Greensboro are greatly saddened by the death of James Alexander Morrison on May 13, 2005 at the age of 101 and wish to express their great sense of loss and respect;

WHEREAS, Mr. Morrison attended Blanchville Elementary School until the seventh grade, then continued his education at a local church where his teacher, was former North Carolina A&T State University graduate, Lawrence Smith;

WHEREAS, on May 16, 1929, he graduated from Laurinburg Institute and moved to Harlem where he became a 33<sup>rd</sup> degree Mason and was actively involved in the lodge;

WHEREAS, Mr. Morrison relocated to Greensboro in 2002 and was a member of New Light Missionary Baptist Church.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby expresses, on behalf of the people of Greensboro, a deep sense of loss and the feeling of respect and gratitude for the life of James Alexander Morrison.
- 2. That a copy of this resolution shall be delivered to the family of Mr. Morrison as a symbol of the gratitude of the people of Greensboro.

(Signed) T. Dianne Bellamy-Small

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After Mayor Holliday introduced a resolution honoring the memory of the late Amelia "Susie" Gaither Barksdale, Councilmember Bellamy-Small read the resolution into the minutes. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Phillips and adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

124-05 RESOLUTION HONORING THE MEMORY OF THE LATE AMELIA "SUSIE" GAITHER BARKSDALE

WHEREAS, the City Council and the people of Greensboro are greatly saddened by the death of Amelia Gaither Barksdale on May 9, 2005 at the age of 80;

WHEREAS, Susie attended Dudley Senior High School and served as a Food Technician for the Greensboro Public School system for over 30 years;

WHEREAS, she was an active and devoted member of Hayes Memorial Church for almost 70 years where she served in the capacity as a church mother, deaconess, advisor to the Busy Bee's Club, officer of Missionary Circle #2, President of the Young Women's Progressive Club, and Chairman of the Social/Food committee;

WHEREAS, Susie was also a member of the Nurses Aid Club, Floral Club, Willing Workers Club and prepared the meals for the Noon Day Prayer Service;

WHEREAS, she as known for her straight forward sassy style and enjoyed gardening and canning and shared her abundance with anyone in need;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated service rendered by Amelia "Susie" Gaither Barksdale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby expresses, on behalf of the people of Greensboro, a deep sense of loss and a feeling of respect and esteem for the life of Amelia "Susie" Gaither Barksdale.
- 2. That a copy of this resolution shall be delivered to the family of Amelia "Susie" Gaither Barksdale as a symbol of the gratitude of the people of Greensboro for her public service.

(Signed) Yvonne J. Johnson

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After Mayor Holliday introduced a resolution honoring the memory of the late Lissie "Lisa" Hipps-McClam, Councilmember Johnson read the resolution into the minutes and presented copies to family members who were present in the Chamber. Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Bellamy-Small and adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 125-05 RESOLUTION HONORING THE MEMORY OF THE LATE LISSIE "LISA" HIPPS-McCLAM

WHEREAS, the City Council and the people of Greensboro are greatly saddened by the death of Lissie "Lisa" Hipps-McClam on May 20, 2005;

WHEREAS, Lisa received her Bachelor of Science Degree in Fine Arts from The Agricultural and Technical College of North Carolina at Greensboro, now North Carolina A&T State University, and, in 1976, received her Master of Science Degree in Education-Art;

WHEREAS, Ms. Hipps-McClam began her teaching degree in the Halifax School System where she remained for over a decade and shared her love for art with her students;

WHEREAS, she became a member of St. James Presbyterian Church in 1974 and, during her 31 year affiliation, served on the Deacon Board, Summer Volunteer Choir, Sarah Barber Circle, Presbyterian Women USA, Evangelism Committee and the Stewardship Committee.

WHEREAS, was the owner of McClam's Upholstery and her involvement in the community included East Market Street Merchant's Association, Lifetime Member of the NAACP, the greater Greensboro Club, NANBPWC, Inc. and a Board Member of the United True Holiness Church.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby expresses, on behalf of the people of Greensboro, a deep sense of loss and the feeling of respect and esteem for the life of Lissie "Lisa" Hipps-McClam.
- 2. That a copy of this resolution shall be delivered to the family of Ms. Hipps-McClam as a symbol of the gratitude of the people of Greensboro.

(Signed) Sandy Carmany

Ellis Hankins, Executive Director with the North Carolina League of Municipalities, explained the history of the Franklin Award presented annually by the University at Chapel Hill Institute of Government; he noted the recognition was accompanied by a monetary award that was presented each year to a deserving student completing the Municipal Administration Course. He and City Manager Kitchen presented this year's recognition plaque to Jim Westmoreland, Transportation Department Director, and commended Mr. Westmoreland for receiving this prestigious award. The City Manager also presented Mr. Westmoreland with a personal memento from North Carolina State University in recognition of this award. The Mayor and Council commended Mr. Westmoreland for this significant recognition.

Mr. Westmoreland expressed appreciation to his family, classmates, City Council and staff, for their support. City Manager Kitchen noted that Mr. Westmoreland had donated the monetary award to the Southeast Region Battens Disease Support and Research in memory of the son of one of his municipal administration classmates and transportation colleague from Winston-Salem, Connie Curtis.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Sections 30-4-14.1(B) and 30-5-5, of the Greensboro Code of Ordinances with respect to Sign Regulations to permit projecting signs in the Central Business (CB) zoning district.

Richard "Dick" Hails, Planning Department Director, reviewed details with regard to the proposed amendment; he stated that the Multijurisdictional Development Ordinance Committee (MDOC), the Planning Board and Planning Department staff recommended approval of the proposed ordinance.

The Mayor asked if anyone wished to be heard.

Dianne Davis, 905 Fairmont Street, presented a handout with her opinions about the proposed ordinance.

Councilmember Burroughs-White moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

After brief Council comments and discussion, Mr. Hails responded to Councilmember Gatten's inquiry by noting that amendment would not affect awnings; he advised this topic would be addressed in the future. Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 05-118 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-4-14.1(B), Permitted Projections, be amended by rewriting subsection (2) to read as follows:

"(2) Wall signs and projecting signs in the CB District may project into the street right-of-way."

Section 2. That Section 30-5-5, Sign Regulations, is hereby amended by adding a new subsection 30-5-5.18 to read as follows:

"30-5-5.18. Projecting Signs

(A) Where Allowed: CB District.

- (B) General: Projecting signs shall be permitted, provided:
  - (1) A projecting sign, including any lamps and fixtures used for indirect illumination, shall not project more than four (4) feet from a building wall and shall not be located closer to the face of the street curb than a horizontal distance of three (3) feet.
  - (2) A projecting sign shall not extend vertically above the roof line or parapet wall of a building.
  - (3) The minimum height from a sidewalk to the lowest edge of a projecting sign shall be nine (9) feet. The minimum height from an alley or driveway shall be fourteen (14) feet.
  - (4) A projecting sign shall not be located within twenty-five (25) feet of another projecting sign on the same building wall.
  - Only one (1) projecting sign shall be permitted per building wall or per establishment in a multi-tenant building.
  - (6) Sign supports shall appear to be an integral part of the sign.
  - (7) A projecting sign shall contain only the business name and/or logo.
  - (8) Internally lit plastic letters and plastic box signs are prohibited.
- (C) Area: A projecting sign may be located on any building wall (or wall space of an individual tenant) so long as the maximum sign surface area of all signs on one wall (or wall space of an individual tenant) does not exceed ten percent (10%) of the area of the building wall to which the sign or signs are attached. The maximum allowable sign area per wall shall not be transferable to another wall (or wall space of an individual tenant).
- (D) Height: The maximum height of a projecting sign face shall be twenty-five (25) feet.
- (E) *Illumination:* Projecting signs may be indirectly or directly illuminated.
  - (1) If indirectly illuminated, the light source shall be directed away from pedestrians and shall be directed against the sign such that it does not shine into adjacent property or cause glare for motorists and pedestrians.
  - (2) Back-lit, halo-lit illumination, or reverse channel letters with halo illumination is permitted. Exposed neon tubing is permitted, but is prohibited from flashing or blinking.
- (F) *Permits:* A building permit and a sign permit shall be required for a projecting sign. If illuminated, an electrical permit shall be required."

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall be effective upon the date of adoption.

(Signed) Claudette Burroughs-White

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Lebanon Road, the portion within the city limits, a distance of approximately 2,254 feet. Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

### 126-05 RESOLUTION CLOSING LEBANON ROAD, THE PORTION WITHIN THE CITY LIMITS, A DISTANCE OF APPROXIMATELY 2,254 FEET

WHEREAS, the owner of all of the property abutting both sides of Lebanon Road have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, June 7, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.
- 2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the
- street is located will be deprived of reasonable means of ingress or egress to his or its property.
  - 3. That the following portion of street is hereby permanently closed and abandoned as a public street:

### <u>LEBANON ROAD, THE PORTION WITHIN THE CITY LIMITS, A DISTANCE OF APPROXIMATELY 2,254 FEET</u>

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Donald R. Vaughan

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Brush Road from Lebanon Road southward to Canoe Road, a distance of approximately 1,224 feet. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

## 127-05 RESOLUTION CLOSING BRUSH ROAD FROM LEBANON ROAD SOUTHWARD TO CANOE ROAD, A DISTANCE OF APPROXIMATELY 1,224 FEET

WHEREAS, the owner of all of the property abutting both sides of Brush Road, has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, June 7th, at 6:00 p.m., on the closing of said portion of street:

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.
- 2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
  - 3. That the following portion of street is hereby permanently closed and abandoned as a public street:

### BRUSH ROAD FROM LEBANON ROAD SOUTHWARD TO CANOE ROAD, A DISTANCE OF APPROXIMATELY 1,224 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Florence F. Gatten

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Drum Road from Lebanon Road southwestward for 485.25 feet along its western side and 472.32 feet along its eastern side. Mayor Holliday asked if anyone wished to be heard.

There being no one desiring to speak to this matter, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

### 128-05 RESOLUTION CLOSING DRUM ROAD FROM LEBANON ROAD SOUTHWESTWARD FOR 485.25 FEET ALONG ITS WESTERN SIDE AND 472.32 FEET ALONG ITS EASTERN SIDE

WHEREAS, the owner of all of the property abutting both sides of Drum Road has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, June 7, 2005, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.
- 2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
  - 3. That the following portion of street is hereby permanently closed and abandoned as a public street:

### DRUM ROAD FROM LEBANON ROAD SOUTHWESTWARD FOR 485.25 FEET ALONG ITS WESTERN SIDE AND 472.32 FEET ALONG ITS EASTERN SIDE

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Florence F. Gatten

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Mayor Holliday advised that after Council's last budget work session, members of Council had agreed it was their intent to continue the following budget items 28-40 on this agenda to the June 21, 2005 City Council meeting to allow further deliberation: ordinance establishing the FY 2005-06 Annual Operating Budget; resolution adopting the FY 2005-2011 Capital Improvements Program (CIP); ordinance establishing the FY 05-06 budget for the Greensboro/High Point/Guilford County Workforce Development Consortium; ordinance establishing the FY 05-06 budget for the Community Development Block Grant (CDBG); ordinance establishing the FY 05-06 budget for the HOME Grant; ordinance establishing the FY 05-06 budget for KIDS, Inc.; ordinance establishing the FY 05-06 budget for Emergency Shelter Grant (ESG); ordinance amending the State Highway Allocation Capital Project Fund; ordinance amending the Water Resources Capital Improvements Fund; ordinance amending the General Capital Projects Fund; ordinance amending Chapter 8 of the Greensboro Code of Ordinances, adjusting fees for Cemeteries' lot sales and marker placement fees; ordinance amending Chapter 10 of the Greensboro Code of Ordinances, adjusting fees for provision of services for handling hazardous materials; and ordinance amending Chapter 29 of the Greensboro Code of Ordinances, adjusting fees for provision of services.

Councilmember Johnson thereupon moved to continue these items to the June 21, 2005 City Council meeting without further advertising. The motion was seconded by Councilmember Phillips and adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution approving economic development incentive grant for a commercial development project not to exceed \$300,000 (site of former Carolina Circle Mall now called Pyramids Village).

The Mayor asked if anyone wished to be heard.

After the Mayor recognized Ben Brown, Assistant City Manager for Economic Development, Mr. Brown advised that the owner of the property, Don Linder, wished to address the Council.

Don Linder, owner and developer of the site of the former Carolina Circle Mall now known as the Pyramids Village, spoke to the need to revitalize this area, detailed the history of his involvement with this property and noted the need to address certain obstacles to the development at this time. He reviewed his efforts with regard

to the proposed development, including the location of a Walmart store, that he believed would provide economic development of the area and offer various levels of employment for citizens. Mr. Linder reviewed the portion of the City economic guidelines related to retail development and emphasized that the incentives were not awarded until jobs had been created and capital investments had been made. He stated that he believed the proposed development would improve the area, that the Walmart Corporation was the only organization at this time that was willing to risk an investment in the area, and stated that he believed this company would attract other businesses to further revitalize Northeast Greensboro. Expressing appreciation to some members of Council for their support, Mr. Linder thereupon stated that he had decided to withdraw his request for economic incentives for this proposed development at this time and stated that he might pursue incentives at a future time.

Councilmember Phillips moved to delete the resolution approving economic development incentive grant for a commercial development project not to exceed \$300,000 as requested by Mr. Linder. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

After discussion, it appeared to be the consensus of Council that individuals who wished to speak to this matter should be heard at this time.

Steve Bowden, residing on Glen Forest Court and representing members of the George C. Simkins Citizens PAC, expressed concern with the lack of job opportunities and businesses in Northeast and Southeast Greensboro, offered support for economic development incentives for the revitalization of the Carolina Circle Mall property, and encouraged Council to support this project to bring economic development to this community.

Ron Wilson, 600 Green Valley Road, spoke to his work on the Comprehensive Plan and reviewed some of the Plan's recommendations. He offered historical information about the property, noted it was identified as a revival area and stated he believed the City should be proactive and support development at the location

Jim Saintsing, residing at 531 Woodvale Drive, stated that some neighbors in this area supported Mr. Linder's efforts to revitalize the property and looked forward to working with him in the future.

Andy Burke, residing at 2414 Regents Park Lane, and representing the Greensboro Economic Development Partnership, spoke in support of this project, detailed the unique circumstances involved with the development of this property, noted Council's recent modifications to the economic incentives policy, stated that he believed this was an opportunity for development in this state development zone in Northeast Greensboro that would greatly improve this area of the City and provide job opportunities, and encouraged Council to continue discussion with regard to support of the development of this property.

James Kee, residing at 4411 Belfield Drive, spoke to the need for economic development in Northeast Greensboro and offered support of Mr. Linder's project which he believed would help redevelop this area

Goldie F. Wells, residing at 4203 Belfield Drive, offered her personal thoughts with regard to this proposed development and to the need for economic development in Northeast Greensboro. She requested Council to help bring equity to the citizens of Northeast Greensboro and work to bring much-needed businesses to this area.

Stephen B. Kwansikpui, residing at 2001 Armburst Road, stated he believed this proposed development would benefit the City, provide jobs and services in the area, and encouraged Council to support development in the Northeast area.

Speaking in opposition to the proposed development, Richard Stephens, residing at 2817 Stratford Drive, requested Council not to support the project.

Leon Nutes, residing at 214 Peach Orchard Drive, offered his personal opinions with regard to the saturation of the market by certain businesses and the impact on malls and small businesses; he expressed concern that the proposed development would have a negative impact on the area.

Speaking in opposition, Yvonne Smothers, residing at 4907-C Tower Road, detailed her personal opinions with regard the proposed development and stated she believed options for another site were available. Ms. Smothers

stated she did not believe City taxpayers should subsidize the proposed development and that these incentives were given, it would set a precedent for future requests.

Nancy Cavanaugh, residing at 4505 Summit Avenue in the Northeast area, spoke to her opinion of the business practices of Walmart and stated that she believed this development would have a negative impact on the area; she requested Council not to provide incentives for this development

John Pugh, residing at 4100 North O.Henry Boulevard, offered his strong opinions with regard to the Northeast area and its residents, the history of lack of success of some businesses in the area, and spoke to the need for development in the area; he spoke in opposition to City incentives being provided for this development.

Mary Lou Zimmerman, residing at 2304 Wilcox Drive, offered her opinions with regard to the circumstances surrounding the closing of area businesses. She stated that this request for incentives would set a precedent for future requests and advised that while she opposed the provision of economic incentives for this project, she would welcome the location of a Walmart store at this site.

Council expressed various opinions with regard to the Northeast area, the need to work aggressively to provide development and services in the area, the feasibility of providing infrastructure to help facilitate development of this property, the suggestion to consider changing the incentive policy to focus on development in East Greensboro, etc.

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Mayor Holliday advised that Item #20, the resolution approving conveyance of 712 Broad Avenue from the City of Greensboro to the North Carolina A&T University Foundation, Inc., had inadvertently been omitted from the printed agenda; he advised that all pertinent background information had been provided to Council and that the item was included in the electronic agendas.

Councilmember Phillips removed item #24, resolution listing loans and grants for City Council approval, from the Consent Agenda.

Councilmember Bellamy-Small moved to adopt all ordinances, resolutions and motions listed on the amended Consent Agenda. The motion was seconded by Councilmember Vaughan; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

### 05-119 ORDINANCE AMENDING THE FY 2004-2005 FEDERAL, STATE AND OTHER GRANTS PROJECT FUND BUDGET FOR THE WORKFORCE INVESTMENT ACT PROGRAMS

#### Section 1

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State and Other Grants Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Workforce Investment Act (WIA) PY 2002 Adult Omnibus Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0263-64.5520	Training	\$66,224
Total	-	\$66,224

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2002 Adult Omnibus Fund account:

Account	<u>Description</u>	<u>Amount</u>
216-0263-64.7100	Federal Grant	\$66,224
Total		\$66,224

#### Section 2

That the appropriation to the Workforce Investment Act (WIA) PY 2002 Administration Omnibus Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0263-69.4110	Salaries	<u>\$7,358</u>
Total		\$7,358

and, that this increase be financed by increasing the Workforce Investment Act (WIA) ) PY 2002 Administration Omnibus Fund account:

Account	<u>Description</u>	<u>Amount</u>
216-0263-69.7100	Federal Grant	<u>\$7,358</u>
Total		\$7,358

#### Section 3

That the appropriation to the Workforce Investment Act (WIA) PY 2003 Capacity Building Fund be increased as follows:

Account	<u>Description</u>	<u>Amount</u>
216-0254-52.5222	Dues	<u>\$2,000</u>
Total	Dues	\$2,000

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2003 Capacity Building fund account as follows:

Account	<u>Description</u>	<u>Amount</u>
216-0254-52.7100	Federal Grant	<u>\$2,000</u>
Total		\$2,000

#### Section 4

That the appropriation to the Workforce Investment Act (WIA) PY 2003 Incumbent Worker Program High Point Regional Fund be decreased as follows:

Account	<u>Description</u>	<u>Amount</u>
216-0254-55.5429	Other Contracted Services	<u>-\$11,522</u>
Total		-\$11,522

and, that this decrease be financed by decreasing the Workforce Investment Act (WIA) PY 2003 Incumbent Worker Program High Point Regional Fund account:

Account	<u>Description</u>	<u>Amount</u>
216-0254-55.7100	Federal Grant	-\$11,522
Total		-\$11,522

#### Section 5

That the appropriation to the Workforce Investment Act (WIA) PY 2004 JobLink Enhancement Fund be increased as follows:

<u>Account</u>	<u>Description</u>	Amount
216-0255.54-5429	Other Contracted Services	\$88,111
Total		\$88,111

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 JobLink Enhancement Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0255.54-7100	Federal Grant	<u>\$88,111</u>
Total		\$88,111

#### Section 6

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Performance Incentives Fund be increased as follows:

Account	<u>Description</u>	<u>Amount</u>
216-0255.50-5520	Training	\$68,182
Total	Ç	\$68,182

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Performance Incentives Fund account:

Account	<u>Description</u>	<u>Amount</u>
216-0255.50-7100	Federal Grant	\$68,182
Total		\$68,182

#### Section 7

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Local Area Accountability Fund be increased as follows:

Account	<u>Description</u>	<u>Amount</u>
216-0255.55-4110	Salaries	\$50,000
Total		\$50,000

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Local Area Accountability Fund account:

Account	<u>Description</u>	Amount
216-0255-55.7100	Federal Grant	\$50,000
Total		\$50,000

#### Section 8

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Business Services Liaison Fund be increased as follows:

216-0255-51.4110	Salaries	\$50,000
Total		\$50,000

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Business Services Liaison Fund account:

Account	<u>Description</u>	<u>Amount</u>
216-0255-51.7100	Federal Grant	\$50,000
Total		\$50,000

#### Section 9

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Youth Enhancement Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0255-53.5277	Promotions	<u>\$28,661</u>
Total		\$28,661

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Youth Enhancement Fund account:

216-0255-53.7100	Federal Grant	<u>\$28,661</u>
Total		\$28,661

#### Section 10

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Incumbent Worker Program Avery Dennison Fund be increased as follows:

216-0255-57.5429	Other Contracted Services	\$41,250
Total		\$41,250

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Incumbent Worker Program Avery Dennison Fund account:

216-0255-57.7100	Federal Grant	\$41,250
Total		\$41,250

#### Section 11

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Incumbent Worker Program Endura Products Fund be increased as follows:

216-0255-56.5429	Other Contracted Services	\$41,250
Total		\$41.250

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Incumbent Worker Program Endura Products Fund account:

216-0255-56.7100	Federal Grant	<u>\$41,250</u>
Total		\$41,250

#### Section 12

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Incumbent Worker Program Carolina Plastics Fund be increased as follows:

216-0255-58.5429 Other Contracted Services \$22,402 Total \$22,402

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Incumbent Worker Program Carolina Plastics Fund account:

216-0255-58.7100 Federal Grant \$22,402 Total \$22,402

#### Section 13

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Incumbent Worker Program Darnall Training Fund be increased as follows:

216-0255-59.5429 Other Contracted Services \$4,895 Total \$4.895

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Incumbent Worker Program Darnall Training Fund account:

216-0255-59.7100 Federal Grant <u>\$4,895</u> Total \$4.895

#### Section 14

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Dislocated Worker Fund be increased as follows:

216-0235-34.5429 Other Contracted Services <u>\$383,487</u> Total \$383,487

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Dislocated Worker Fund account:

216-0235-34.7100 Federal Grant <u>\$383,487</u> Total \$383,487

#### Section 15

That the appropriation to the Workforce Investment Act (WIA) PY 2004 Administration Fund be increased as follows:

216-0215-10.4110 Salaries <u>\$42,610</u> Total \$42,610

and, that this increase be financed by increasing the Workforce Investment Act (WIA) PY 2004 Administration Fund account:

216-0215-10.7100 Federal Grant \$42,610 Total \$42,610

#### Section 16

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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### 05-120 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS AND RECREATION 2005 TEEN SUMMIT

#### Section 1

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

Account	<u>Description</u>	<u>Amount</u>
220-5097-01.5255	Rental of Land and Buildings	\$ 2,800
220-5097-01.5431	In-House Printing	<u>700</u>
Total		\$ 21,500

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5097-01.8620	Donations & Private Contributions	<u>3,500</u>
Total		\$ 3,500

#### Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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### 129-05 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF CARDINAL INVESTMENTS, INC. FOR THE LAWNDALE DRIVE SIDEWALK IMPROVEMENTS PROJECT

WHEREAS, in connection with the Lawndale Drive sidewalk project, the property owned by Cardinal Investments, Inc., Tax Map No. 544-1-14 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$13,000.00 and the owner has agreed to settle for the price of \$16,845.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation:

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$16,845.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 402-4531-01.6012 Activity #0321.

(Signed) T. Dianne Bellamy-Small

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#### 130-05 RESOLUTION AUTHORIZING AND APPROVING SALE OF LAND TO RONALD SMITH

WHEREAS, the City of Greensboro owns residual property located at 1202 Salem Street at Tax Map Number 46-14-7, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Ronald Smith has offered to purchase said property for the amount of \$12,000.00, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$12,000.00 is hereby approved and the sale of land to Ronald Smith is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) T. Dianne Bellamy-Small

131-05 RESOLUTION CALLING A PUBLIC HEARING FOR JUNE 21, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 3207 AND 3203 PLEASANT GARDEN ROAD – 9.78 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 7th day of June, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3207 AND 3203 PLEASANT GARDEN ROAD – 9.78 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of May 31, 2005), said point being 200 feet southeast of the centerline of Pleasant Garden Road and being in the southwest line of The Pantry, Inc., as recorded in Deed Book 3638, Page 1966 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with The Pantry's southwest line S 55° 01' E approximately 30 feet to The Pantry's southernmost corner; thence N 35° 21' E 258.1 feet with the southeast line of The Pantry to a point in the southwest right-of-way line of US Highway 421; thence with said right-of-way line S 40° 38' E 1,006.6 feet to a point in the north line of Leonard H. and Kathryn M. Harris, as recorded in Deed Book 4586, Page 797 in the Office of the Register of Deeds; thence N 84° 29' W approximately 189.4 feet with Harriss's north line

and the north line of Charles E. and Gloria J. Lynch , as recorded in Deed Book 2662, Page 726 in the Office of the Register of Deeds, to the northeast corner of Paul J. and Alma M. Greene, as recorded in Deed Book 5058, Page 967 in the Office of the Register of Deeds ; thence N 84° 29' W 199.9 feet with Greene's north line to the northeast corner of Mary M. and William R. Wells, as recorded in Deed Book 4879, Page 1537 in the Office of the Register of Deeds; thence N 84° 29' W 757.4 feet with the north line of Wells to the northeast corner of another property of Mary M. and William R. Wells, as recorded in Deed Book 3178, Page 350 in the Office of the Register of Deeds; thence N 84° 52' W 43.1 feet with the north line of Wells to a point; thence continuing with said line N 83° 02' W approximately 40 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a northeasterly direction approximately 610 feet to the point and place of BEGINNING, and containing approximately 9.78 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, June 21st, 2005 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than June 11, 2005.

(Signed) T. Dianne Bellamy-Small

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### 132-05 RESOLUTION CALLING A PUBLIC HEARING FOR JUNE 21, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS -- NORTH CHURCH STREET - 73.7 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 7th day of June, 2005, the following ordinance was introduced:

### AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON NORTH CHURCH STREET – 73.7 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of May 31, 2005), said point being the southeast corner of Tammanary Forest, Section 3, as recorded in Plat Book 87, Page 7 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the east line of said Section 3 and the east line of Tammanary Forest, Section 2, as recorded in Plat Book 87, Page 6 in the Office of the Register of Deeds, N 2° 23' 41" E 2,131.65 feet to the northeast corner of said Section 2; thence S 89° 06' 26" E 1.732.35 feet with the north line of Carolyn and Dorothy McNairy Limited Partnership to a point in the west right-of-way line of N. Church Street; thence in an easterly direction, crossing N. Church Street, approximately 60 feet to a point in the McNairy north line in the east right-of-way line of N. Church Street; thence N 89° 47' 28" E 327.01 feet with McNairy's north line to McNairy's northeast corner; thence with McNairy's east line the following four courses and distances: 1) S 11° 57' 57" E 251.38 feet to a point, 2) S 30° 20' 55" E 227.78 feet to a point, 3) S 1° 39' 56" E 209.90 feet to a point, and 4) S 16° 28' 38" E 254.66 feet to a point; thence S 49° 26' 08" W 222.54 feet to a point in the east right-of-way line of N. Church Street; thence with said right-of-way line N 21° 13' 22" W 506.09 feet to a point; thence continuing with said right-of-way line S 61° 40' 00" W 13.49 feet to a point; thence in a westerly direction, crossing N. Church Street, approximately 60 feet to a point in the McNairy line in the west right-of-way line of N. Church Street; thence with said right-of-way line S 64° 06' 57" W 12.73 feet to a point in McNairy's southeast line; thence with McNairy's southeast line the following seven courses and distances: 1) N 19° 56' 01" W 26.21 feet to a point, 2) S 70° 59' 40" W 327.74 feet to a point, 3) S 31° 46' 17" W 218.44 feet to a point, 4) S 1° 58' 14" W 350.91 feet to a point in the north line of Guilford County and City of Greensboro, as recorded in Plat Book 115, Page 44 in the Office of the Register of Deeds, 5) S 65° 57' 03" W 785.96 feet to a point, 6) S 34° 57' 36" W 384.15 feet to a point, and 7) S 18° 48' 23" W 266.71 feet to a point in the north line of City of Greensboro, as recorded in Plat Book 112, Page 47 in the Office of the Register of Deeds, said point being in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 88° 36' 13" W 556.47 feet to the point and place of BEGINNING, and containing approximately 73.7 acres, of which approximately 72.8 acres is outside of street right-of-way.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, June 21<sup>st</sup>, 2005 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than June 11, 2005.

(Signed) T. Dianne Bellamy-Small

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### 133-05 RESOLUTION APPROVING CONVEYANCE OF 712 BROAD AVENUE FROM THE CITY OF GREENSBORO TO NORTH CAROLINA A&T UNIVERSITY FOUNDATION, INC.

WHEREAS, the City is the owner of 712 Broad Avenue which was deeded to the City in lieu of foreclosure on June 1, 2004;

WHEREAS, this property is in deteriorated condition and will require substantial rehabilitation prior to being offered for sale;

WHEREAS, negotiations are underway to partner with North Carolina A&T State University's Construction Management Program and Construction Trades training program students where the Foundation would take title to the property and assume the responsibility for rehabilitation;

WHEREAS, upon completion of the rehabilitation, the Foundation will be responsible for the sale of said property with the net proceeds from the sale returned to the City of Greensboro;

WHEREAS, the City will provide a \$39,845 grant to the Foundation to be used for the purchase of building supplies and contracted services required for the rehabilitation work.

#### NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GREENSBORO:

That the sale of 712 Broad Avenue to North Carolina A&T University Foundation, Inc. for rehabilitation and a grant from the City in the amount of \$39,845 in accordance with the conditions set out above, is hereby approved and the Mayor and City Clerk are hereby authorized to execute a deed on behalf of the City.

That this Resolution be published after its adoption, and the sale be made at least ten (10) days after its publication.

(Signed) T. Dianne Bellamy-Small

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## 134-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1999-003 WITH BRYANT ELECTRIC COMPANY, INC. FOR THE GALLIMORE DAIRY ROAD SANITARY SEWER OUTFALL AND FORCE MAIN IMPROVEMENTS

WHEREAS, Contract No. 1999-003 with Bryant Electric Company, Inc. provides for the installation of sanitary sewer outfalls and force mains for the Gallimore Dairy Road sanitary sewer outfall and force main project;

WHEREAS, due to previously unanticipated subsurface conditions which required additional labor and equipment, the contractor had to perform additional work, thereby necessitating a change order in the contract in the amount of \$344,983.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Bryant Electric Company, Inc. for the Gallimore Dairy Road Sanitary Sewer Outfall and Force Main Improvements is hereby authorized at a total cost of \$344,983.00, payment of said additional amount to be made from Account No. 510-7044-01.6019 Activity 03193.

(Signed) T. Dianne Bellamy-Small

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135-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-11 WITH MUSTANGE ENTERPRISES FOR THE LAKE DANIEL PARK BRIDGE REPLACEMENT PROJECT

WHEREAS, after due notice, bids have been received for the replacement of the foot bridge in Lake Daniel Park;

WHEREAS, Mustang Enterprises was the low bidder and due to budget constraints expressed by the Parks and Recreations Department, the bid proposal was negotiated with them to bring the project within budget resulting in a negotiated bid price of \$64,750;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the negotiated bid hereinabove mentioned submitted by Mustang Enterprises is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$50,000 from Account No. 101-5022-21.6019 Activity No. 05152 and in the amount of \$14,750 from Account No. 410-5007-11.6019 Activity No. 05149.

(Signed) T. Dianne Bellamy-Small

(A tabulation of bids for the Lake Daniel Park Bridge Replacement Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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136-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-014 WITH LAUGHLIN AND SUTTON CONSTRUCTION FOR THE TWILLA ACRES PUMP STATION

WHEREAS, after due notice, bids have been received for the construction of the Twilla Acres pump Station:

WHEREAS, Laughlin and Sutton, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$330,800.00 as general contractor for Contract No. 2005-014, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Laughlin and Sutton is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$330,800.00 from Account No. 504-7038-01.6017 Activity No. A03227.

(Signed) T. Dianne Bellamy-Small

(A tabulation of bids for the construction for the Twilla Acres Pump Station is filed with the above resolution and is hereby referred to and made a part of these minutes.)

### 05-121 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARK AND RECREATION 2005 TYGR PAWS GOLF PROGRAM

#### Section 1

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5098-01.5423	Contracted Transportation	\$ 1,850
220-5098-01.5413	Consultant Services	3,150
220-5098-01.5237	Program Supplies	<u>1,000</u>
Total		\$ 6,000

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5098-01.8620	<b>Donations &amp; Private Contributions</b>	<u>6,000</u>
Total		\$ 6,000

#### Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

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Motion to approve report of budget adjustments for period May 1-31, 2005 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer P, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meetings of May 3 and May 17, 2005 and special meeting of May 24, 2005 was unanimously adopted.

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Mayor Holliday introduced the resolution listing loans and grants for City Council approval. After brief discussion with regard to the grants related to Project Homestead homes, Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 137-05 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1<sup>st</sup> meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

#### NOW, THEREFORE, BE IT RESOLVED BYTHE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) T. Dianne Bellamy-Small

(A copy of the loans and grants is filed with the above resolution and is hereby referred to and made a part of these minutes.)

Councilmember Johnson left the meeting at 7:30 p.m.

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The Mayor noted that earlier in the meeting, Council had continued budget items 28-40 to the June 21, 2005 meeting of Council.

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After brief comments, Councilmember Burroughs-White moved adoption of the Tourism Authority Budget for Fiscal Year 2005-2006. The motion was seconded by Councilmember Vaughan and adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson (in absentia as provided for by law), Perkins, Phillips and Vaughan. Noes: None. (A copy of the budget is filed in Exhibit Drawer P, Exhibit Number 9, which is hereby referred to and made a part of these minutes.)

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Mayor Holliday introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title and summarized by the City Attorney:

RESOLUTION APPROVING THE NEGOTIATED SALE BY GREENSBORO CENTER CITY CORPORATION OF CERTIFICATES OF PARTICIPATION IN CERTAIN INSTALLMENT PAYMENTS TO BE MADE BY THE CITY OF GREENSBORO TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT, APPROVING CERTAIN DOCUMENTS RELATING THERETO AND AUTHORIZING OTHER CORPORATE ACTION IN CONNECTION THEREWITH

WHEREAS, the City of Greensboro, North Carolina (the "City") and Greensboro Center City Corporation (the "Corporation"), a nonprofit corporation organized and existing under the laws of the State of North Carolina, have determined to finance the acquisition of certain equipment by the City and, to that end, have been negotiating certain financing documents and arranging for the negotiated sale of Certificates of Participation (the "Certificates") in certain Installment Payments to be made by the City pursuant to an Installment Financing Agreement to be entered into by and between the City and the Corporation pursuant to the authority granted to the City by Section 160A-20 of the General Statutes of North Carolina; and

WHEREAS, the City and the Corporation have retained Legg Mason Wood Walker, Incorporated (the "Underwriter") for the purpose of underwriting the Certificates; and

WHEREAS, the Certificates are expected to be marketed in the expectation of executing a Purchase Contract with respect thereto on or about June 29, 2005 and delivering the Certificates on or about June 30, 2005; and

WHEREAS, in connection with such financing, it is necessary for the City to approve the negotiated sale of the Certificates by the Corporation, approve certain documents relating thereto and authorize other corporate action in connection therewith; and

WHEREAS, there have been presented at this meeting copies of the following documents relating to the execution and delivery of the Certificates:

- (a) a draft of the proposed Installment Financing Agreement, dated as of June 1, 2005 (the "Installment Financing Agreement"), between the Corporation and the City;
- (b) a draft of the proposed Trust Agreement, dated as of June 1, 2005 (the "Trust Agreement"), between the Corporation and First-Citizens Bank & Trust Company, Raleigh, North Carolina, as Trustee (the "Trustee"), the provisions of which relate to the execution and delivery of, and security for, the Certificates;
- (c) a draft of the proposed Purchase Contract, to be dated on or about June 29, 2005 (the "Purchase Contract"), between the Corporation and the Underwriter, relating to the Certificates;
- (d) a draft of the proposed Standby Certificate Purchase Agreement, dated as of June 1, 2005 (the "Standby Agreement"), between the City and Wachovia Bank, National Association, relating to the Certificates;
- (e) a draft of the proposed Remarketing Agreement, dated as of June 1, 2005 (the "Remarketing Agreement"), between the City and Legg Mason Wood Walker, Incorporated, as Remarketing Agent, relating to the Certificates; and
- (f) a draft of the Official Statement, to be dated June 17, 2005 (the "Official Statement"), relating to the Certificates; now, therefore,

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. Capitalized words and terms used in this resolution and not defined herein shall have the same meanings in this resolution as such words and terms are given in the Trust Agreement or the Installment Financing Agreement.

Section 2. The City hereby approves the negotiated sale of the Certificates by the Corporation. The Certificates shall bear interest as provided in the Trust Agreement and shall mature in such amounts and at such times as shall be determined by the President or any Vice President of the Corporation; provided, however, that the aggregate principal amount of Certificates shall not exceed \$7,000,000, and the final maturity of the Certificates shall not be later than June 1, 2009.

The Certificates shall be issued in fully registered form in Authorized Denominations. Interest on the Certificates shall be payable at the times and in the manner specified in the Trust Agreement until the Certificates are fully paid. Payments of principal of and interest on the Certificates shall be made by the Trustee to the registered owners of the Certificates in such manner as is set forth in the Trust Agreement.

Section 3. The Certificates shall be subject to prepayment at the times, upon the terms and conditions, and at the prices set forth in the Trust Agreement.

Section 4. The proceeds of the Certificates shall be applied as provided in Section 2.08 of the Trust Agreement.

Section 5. The forms, terms and provisions of the Installment Financing Agreement, the Trust Agreement, the Purchase Contract, the Standby Agreement and the Remarketing Agreement are hereby approved in all respects, and the Mayor, the City Manager or the Finance Director and the City Clerk are hereby authorized and directed to execute and deliver the Installment Financing Agreement, the Standby Agreement and the Remarketing Agreement, in substantially the forms presented to this meeting, together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, including, but not limited to, changes, modifications and deletions necessary to incorporate the final terms of the Certificates as shall be set forth in the Purchase Contract; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the City.

Section 6. The City hereby approves the negotiated sale of the Certificates pursuant to the Purchase Contract; provided, however, that the Underwriter's discount shall not exceed 1% of the principal amount of the Certificates.

Section 7. The City hereby approves the use and distribution of the Official Statement, in substantially the form presented at this meeting, in connection with the public offering of the Certificates, and the Mayor, the City Manager or the Finance Director is hereby authorized to execute, on behalf of the City, the Official Statement in substantially such form, together with such changes, modifications and deletions as he, with the advice of counsel, may deem necessary or appropriate; such execution shall be conclusive evidence of the approval thereof by the City, and the City hereby approves and authorizes the distribution and use of copies of the Official Statement, the Installment Financing Agreement, the Trust Agreement, the Purchase Contract, the Standby Agreement and the Remarketing Agreement by the Underwriter in connection with the public offering of the Certificates.

Section 8. The officers of the City are authorized and directed (without limitation except as may be expressly set forth herein) to take such actions and to execute and deliver any such documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Installment Financing Agreement, the Trust Agreement, the Purchase Contract, the Standby Agreement, the Remarketing Agreement and the Official Statement.

Section 9. This resolution shall take effect immediately upon its passage.

Thereupon the City Attorney stated that she had approved as to form the foregoing resolution.

Upon motion of Councilmember Sandra G. Carmany, seconded by Councilmember Claudette Burroughs-White, the foregoing resolution was passed on roll call vote as follows:

Ayes: Councilmembers Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson (in absentia as provided for by law), Perkins, Phillips and Vaughan.

Noes: None.

The Mayor then announced that the resolution entitled "RESOLUTION APPROVING THE NEGOTIATED SALE BY GREENSBORO CENTER CITY CORPORATION OF CERTIFICATES OF PARTICIPATION IN CERTAIN INSTALLMENT PAYMENTS TO BE MADE BY THE CITY OF GREENSBORO TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT, APPROVING CERTAIN DOCUMENTS RELATING THERETO AND AUTHORIZING OTHER CORPORATE ACTION IN CONNECTION THEREWITH" had been adopted by a vote of 9 to 0.

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After Mayor Holliday introduced a resolution authorizing the purchase of property in the amount of \$53,212 of MFM Properties, LLC for the Bridford Parkway Sidewalk Improvements Project, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson (in absentia as provided for by law), Perkins, Phillips and Vaughan. Noes: None.

### 138-05 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF MFM PROPERTIES, LLC FOR THE BRIDFORD PARKWAY SIDEWALK IMPROVEMENTS PROJECT

WHEREAS, in connection with the Bridford Parkway Sidewalk Improvement project, the property owned by MFM Properties, LLC, Tax Map No. 1-28-C-892-18 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$47,000.00 and the owner has agreed to settle for the price of \$53,212.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation:

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$53,212.00 *is* hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made' from Account No. 441-6003-19.6012 Activity #10184.

(Signed) Sandy Carmany

The Mayor introduced an ordinance amending Chapter 11 of the Greensboro Code of Ordinances with respect to Housing Code.

After brief discussion, Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson (in absentia as provided for by law), Perkins, Phillips and Vaughan. Noes: None.

#### 05-122 AMENDING CHAPTER 11

AN ORDINANCE AMENDING CHAPTER 11 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO NON-RESIDENTIAL BUILDINGS OR STRUCTURES FOR VIOLATIONS OF THE BUILDING CODE

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Chapter 11, Section 11-2 Definitions, is amended as follows:

By adding the new definition as follows:

"Non-Residential Building or Structure means any building or structure which is used or designed for business use, educational use, use for assembly, and/or institutional use."

Section 2. That Chapter 11, Section 11-3 Findings of Fact, is amended as follows:

By adding the following new paragraph as follows:

"The City Council further finds that there exists within the city limits non-residential buildings and structures that appear to be vacant or abandoned and to the building inspector appear to be in such a dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance."

Section 3. That Chapter 11, Section 11-4 Purpose, is amended as follows:

By adding the following new paragraph as follows:

"Additionally, the purpose of this Chapter is to arrest, remedy, and prevent the decay and deterioration of non-residential buildings and structures for the protection of life, health, welfare, safety and property of the general public and the owners and occupants of non-residential buildings and structures."

Section 4. That Chapter 11, Section 11-5 Scope, is amended as follows:

By adding the following new paragraph as follows:

"The provisions of this Chapter shall apply to all non-residential buildings and structures within the city limits as now or hereinafter fixed."

Section 5. That Chapter 11, Section 11-10 Conditions Rendering Residential Buildings Unfit For Human Habitation, is amended as follows:

By Re-titling the Section as follows:

"Conditions Rendering Residential Buildings Unfit For Human Habitation And Declaration Of Unsafe Non-Residential Building Or Structure"

and

By adding the following new sub-paragraph as follows:

"(c) An inspector may declare a non-residential building or structure to be unsafe if it appears to the inspector to be vacant or abandoned, and it appears to be in such a dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance."

Section 6. That Chapter 11, Section 11-38 Inspections, is amended as follows:

By adding the following new subparagraph as follows:

"(b) It shall be the duty of the inspector diligently to examine non-residential buildings and structures located in the city where the conditions described in Section 11-3 exist for the purpose of locating and taking action with respect to such non-residential buildings and structures as appear to be unsafe."

Section 7. That Chapter 11-39 Condemnation Procedure, is amended as follows:

By adding the following new subparagraph as follows:

"(j) After an inspector declares a non-residential building or structure unsafe in accordance with section 11-10 (c), the inspector must affix a notice of the unsafe character of the non-residential building or structure in a conspicuous place upon the exterior of the building or structure. If any person shall remove any notice that has been affixed to any building or structure by the inspector, that person shall be guilty of a Class 1 Misdemeanor. If the owner of the non-residential building or structure that has been condemned as unsafe pursuant to this Chapter shall fail to take

prompt corrective action, the inspector shall give the owner written notice, by certified or registered mail to his last known address or by personal service that:

- 1- The non-residential building or structure is in a condition that appears to meet one of the following conditions:
  - a. constitutes a fire or safety hazard;
  - b. is dangerous to life, health, or other property;
  - c. is likely to cause or contribute to blight, disease, vagrancy, or danger to children;
  - d. has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.
- 2- That a hearing will be held before the inspector at a designated place and time, no later than 10 days after the date of the Notice, at which time the owner shall be entitled to be heard in person or through counsel and to present arguments and evidence pertaining to the matter; and
- 3- That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate within a period not less than 60 days from the date of the order. However where the inspector finds that there is imminent dander to life or other property, he may order that corrective action be taken in such lesser period of time as may be feasible.

If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one week prior to the hearing.

Any owner who has received an order under this Chapter may appeal from the order to the Minimum Housing Standards Commission by giving written notice to the inspector and to the Commission within 10 days following the issuance of the order. In the absence of an appeal the order of the inspector shall be final.

If an owner shall fail to comply with an order issued pursuant to Section 11-10 (c) and Section 11-39, from which no appeal has been taken, or fails to comply with an order from the Housing Commission following an appeal, he shall be guilty of a Class 1 Misdemeanor and the City may, in addition to any other remedy provided by law or equity, take action causing the non-residential building or structure to be removed or demolished. The amounts incurred in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments. If the building or structure is removed or demolished by the city, the city shall sell usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building and credit the proceeds of such sales against the costs of removal or demolition. Any balance remaining, if any, shall be deposited with the Guilford County Clerk of Superior Court and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

Nothing in this Chapter shall be construed to impair or limit the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise."

Section 8. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. All other provisions of the Greensboro Code shall remain in full force and effect.

Section 9. That this Ordinance shall become effective on and after July  $1,\,2005$ 

	(Signed) Thomas M. Phillips
Councilmember Johnson reentered the Chamber.	

Mr. Hollar completed his comments with regard to future plans of the Truth and Reconciliation Project to address issues and share information with Council.

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Providing a brief update with regard to initiatives to combat drug-related activities in the Randleman Road area, Councilmember Phillips emphasized there was still work to be done. Discussion was held with Walter "Butch" Simmons with regard to the status of inspections and other actions being used to address problems in the area.

After Councilmember Phillips inquired about the status of notifying local businesses about the ordinance prohibiting drug paraphernalia, Deputy City Manager Johnson advised information would be provided to Council.

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Members of Council discussed various events and items of interest, including the 20<sup>th</sup> year anniversary celebration of the Glenwood Library and ongoing efforts to build trust between Police officers and young people in the community.

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Councilmember Gatten moved to appoint Don Saunders to serve a three-year term on the Bicentennial Commission. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

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After brief discussion, it appeared to be the consensus of Council that names to be considered for service on the Bicentennial Commission should be first added to the boards and commissions data bank.

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Councilmember Carmany added the name of Teresa Miller to the boards and commissions data bank for consideration for future service on the Bicentennial Commission.

Councilmember Carmany moved to appoint Edward B. Keohohou to serve a three-year term on the Bicentennial Commission. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember Carmany added the name of Myrtle Solomon to the boards and commissions data bank for consideration for future service on the Library Board.

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Councilmember Bellamy-Small added the names of Otis Hairston, Jr., Jacqueline Foster, Carolyn Moore and Patricia Trice to the boards and commissions data bank for consideration for future service on the Bicentennial Commission.

Councilmember Bellamy-Small provided an update with regard to a dilapidated house on Silver Avenue and overgrown lots, etc. in the Glenwood area.

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Councilmember Johnson added the name of Janice Kopec to the boards and commissions data bank for consideration for future service on the Commission on the Status of Women.

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Council discussed various opinions with regard to economic development incentives; i.e., whether they should be designated for East Greensboro or other specific areas, that they should be used to meet the needs of the community, staff's efforts to work with businesses to assist in their relocation or expansion in our City, etc.

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Councilmember Phillips added the name of Gayle Fripp to the boards and commissions data bank for consideration for future service on the Bicentennial Commission.

Councilmember Johnson added the names of Jacqueline Kpeglo and Mary Ann Scarlett to the boards and commissions data bank for consideration for future service on the Bicentennial Commission.

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In response to an inquiry by Councilmember Vaughan, City Attorney Miles provided an update with regard to General Assembly actions related to Greensboro's Legislative Packet.

Councilmember Vaughan added the name of Horace "Jim" Kimel to the boards and commissions data bank for consideration for future service on the Bicentennial Commission.

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Council discussed the new Council format and recommended appropriate changes.

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After brief remarks by the City Manager, Councilmember Gatten moved to appoint Councilmember Phillips to serve as Council's liaison to the Land Development Ordinance Advisory Committee. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

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Councilmember Carmany moved that the City Council adjourn. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 8:10 P.M.

JUANITA F. COOPER CITY CLERK

KEITH A. HOLLIDAY MAYOR

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